



# AFCC eNEWS

MONTHLY E-NEWSLETTER  
VOL. 4 NO. 9  
SEPTEMBER 2009

## Save on Your Reno Registration

### Registration fees increase after October 13, 2009

Register now for AFCC's Regional Training Conference, *Interventions for Family Conflict: Stacking the Odds in Favor of Children*, November 5-7, 2009, and save! Registration rates increase after October 13, 2009. With hotel rooms as low as \$99 and many airfares to Reno between \$200-250, this conference fits a tight training budget while providing excellent content. For hotel reservations at the Peppermill, call (800) 282-2444 and provide the group code "AFCC09" in order to receive the special reduced rate.

[Reno conference brochure...](#)

[Reno conference online registration...](#)

### Win a 2-night stay at the Sheraton Denver Hotel!

AFCC is holding a raffle for a two night weekend stay in a standard room at the Sheraton Denver Downtown Hotel, the site of AFCC's 47th Annual Conference, June 2-5, 2010. The certificate is valid until July 1, 2010, and is valued at \$330. Raffle tickets will be available for purchase only at the AFCC Regional Training Conference in Reno. Tickets will be sold for \$1 each or six for \$5 and can be purchased at the publications table. The winning ticket will be drawn at the luncheon on Saturday. Proceeds from ticket sales will benefit AFCC's Scholarship Fund.

## Don't Miss the Deadline for Denver Proposals

### Submit your workshop proposal by October 5, 2009

AFCC's 47th Annual Conference, *Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict*, will take place June 2-5, 2010, at the Sheraton Denver. Now is the time to finalize and submit your proposal. Submissions are due October 5, 2009. For more information or to submit a workshop proposal, choose one of the links below.

[Click here to view Call for Presenters...](#)

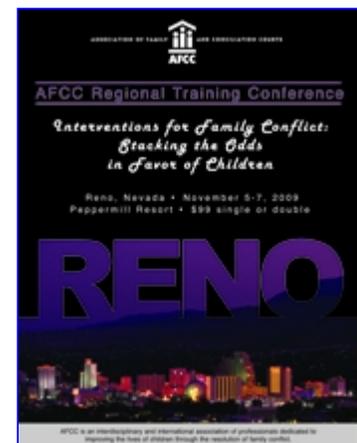
[Click here to submit a workshop proposal...](#)

## RESEARCH UPDATE

### Shared Parenting 'hurting children'

by Ticky Fullerton, courtesy of Lateline-ABC News

The Federal Government of Australia is under growing pressure to change its shared parenting legislation, with a former judge criticizing the laws for not working in the interests of the child.



## UPCOMING CONFERENCES & TRAININGS

### AFCC Regional Training Conference

*Interventions for Family Conflict: Stacking the Odds in Favor of Children*  
November 5-7, 2009  
Peppermill Resort  
Reno, Nevada

### Attachment, Alienation and Access: Advanced Interventions for Parenting Coordinators

Arnold Shienvold, Ph.D.  
September 30-October 1, 2009  
Kansas City, Missouri  
[More information...](#)

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AFCC Members can also read "Legislating for Shared Parenting: Exploring Some Underlying Assumptions" by Jennifer E. McIntosh in the July 2009 issue of *Family Court Review*.

### **New Relationships Decrease Parental Stress**

*Courtesy of J.M. Craig Press, Inc.*

Much research has been conducted on marital dissolution and the stress surrounding it. This study goes a step further to cast a wider net. The authors examined how people adjusted when they married, divorced, or cohabitated.

[Read more...](#)

### **ASK THE EXPERTS**

#### **Top Ten Tips for Setting Up a Court Connected ADR Program**

*by David Levin, J.D.*

David Levin, Director of Court Alternatives in the Second Judicial District Court in Albuquerque, New Mexico, shares his top ten tips for developing a new alternative dispute resolution program in the court.

[Read top ten tips ...](#)

### **TREASURES ON THE AFCC WEB SITE**

*An Educator's Guide: Interacting with Separating, Divorcing, Never-Married Parents and their Children* is a new AFCC publication written by a work group appointed by former AFCC President Hugh Starnes, chaired by Barbara Steinberg, Ph.D. This guide addresses not only how educators can recognize the challenges these children face, but how they can facilitate the parent's involvement in the children's education at a difficult time for the family. The Guide also provides information to help teachers identify how they can be most helpful to the families and courts without getting caught on the middle of the parents' conflict. Family court professionals and the roles they play are defined, as well as the type of information they request from teachers or school administrators. This Guide is designed specifically for educators who will find it useful in navigating all aspects of the family law process.

[Click here for free download...](#)

### **CONFERENCE OF INTEREST**

*Collaborative Law: Opportunities, Challenges and Questions for the Future* presented November 19-20, 2009, by Hofstra University School of Law, Hempstead, New York, in cooperation with the Uniform Law Commission, American Bar Association-Section of Dispute Resolution, AFCC and IACP.

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### **DIVORCE IN THE NEWS**

#### **In California, Justice Takes a Day Off**

*Courtesy of latimes.com*

Starting September 16, the largest court system in the nation will



#### **AFCC 47th Annual Conference**

*Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict*  
June 2-5, 2010  
Sheraton Denver  
Denver, Colorado

#### **AFCC Ninth Symposium on Child Custody Evaluations**

October 28-30, 2010  
Hyatt Regency Cambridge  
Cambridge/Boston, MA

#### **AFCC 48th Annual Conference**

June 1-4, 2011  
Hilton Orlando Bonnet Creek Resort  
Orlando, Florida

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### **ABOUT AFCC eNEWS**

*AFCC eNEWS* is a monthly e-newsletter published by the Association of Family and Conciliation Courts (AFCC). *AFCC eNEWS* provides professionals with time sensitive and up-to-date topics including practice tips, research innovations and

be closing the doors of courthouses across the state one day each month.

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## FEATURED ARTICLE

### Professional Mediator: A Distinction that Makes a Difference

*by Jeff Kichaven, courtesy of Mediate.com*

In April 2006, a remarkable thing happened at the Spring Conference of the American Bar Association's Section of Dispute Resolution in Atlanta. A distinguished lawyer unwittingly proved that the mediation profession has a spectacular future.

[Read more...](#)

## Conflict Resolution Day

October 15 is Conflict Resolution Day. Conceived in 2005 by the Association for Conflict Resolution to promote the awareness and use of conflict resolution and to recognize the contributions of conflict resolvers; it has been celebrated annually on the third Thursday in October.

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### **New Relationships Decrease Parental Stress**

*Courtesy of J.M. Craig Press, Inc.*

*Blekesaune, M. [2008]. Partnership Transitions and Mental Distress: Investigating Temporal Order. Journal of Marriage and Family, 70, 879-890.*

Much research has been conducted on marital dissolution and the stress surrounding it [See Digests: 5, 1 & 5; 7, 4, 8, & 10; 8, 3; and 9, 1 & 5.] This study goes a step further to cast a wider net. The authors examined how people adjusted when they married, divorced, or cohabitated.

There were 10,300 participants. Each one was surveyed and interviewed annually over the course of 15 years. The authors evaluated the participants' levels of stress as they entered and left relationships over the course of the study.

The authors found:

- Separated and divorced participants reported more emotional distress than those who were married, never married, or were cohabitating.
- The separated and divorced women experienced more emotional distress than did separated and divorced men.
- When separated and divorced participants entered new relationships, their emotional distress decreased. Their relief was greater than that experienced by participants who had never married and became involved in a relationship for the first time, but both groups experienced enhanced distress over the first two years of the new relationship.
- Children had no impact on their parents' emotional distress when the participants entered a new relationship regardless of their previous relational status.
- "Apparently, it is transitions into partnerships and not the arrival of children that increases mental distress in initially non-married people" [p. 886].
- Mental distress increased over the 18 months prior to marital dissolution, but decreased almost an equal amount over the next 18 months.
- Women experienced increasing levels of distress prior to divorce far earlier than did their husbands. On the other hand, men experienced far greater distress at the time of dissolution than did their wives.
- Two to four years after divorce, mothers were better adjusted than either fathers or non-parents.
- "To separated or divorced individuals, entering a new partnership offers a high improvement in marital distress. But, this improvement is only temporary. Four years later, they are no better off than before entering a new partnership, and they could experience even more distress thereafter" [p. 889].

### **Critical Analysis**

This study is particularly strong because of the large number of participants and the fact that they were studied over a very long period of time. A major drawback of this research is that many questions were not answered. For example, the participants ranged in age from their 20s to their 50s, but we do not know how the results may have differed across age groups.

### **Recommendations**

This research supports earlier work finding that adjustment to divorce takes far more time than anyone would prefer. Since this is a robust finding across studies over many years, suits to modify the parent-child relationship should be considered within that context. That is, motions to modify may be more a function of a parent's personal distress than any benefit to a child. This study reminds us that the divorce rate among second marriages is higher than it is for first marriages. Therefore, when a parent remarries and files a motion to modify based on his/her change of circumstance, two issues must be considered. First, second marriages are less likely to endure than first marriages. Second, we wonder if the emotional distress that accompanies litigation may exert an additional adverse impact on the new relationship. To the extent that this is the case, a well-meaning parent may subject both his/her new spouse and the children to even greater distress.

*For this as well as other valuable research visit J.M. Craig Press online at [www.jmcraig.com](http://www.jmcraig.com) or call (877) 960-1474. AFCC members receive a 25% discount on all J.M. Craig Products.*

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### ASK THE EXPERTS

#### Ten Tips For Setting Up A Court Connected ADR Program

*By David Levin, J.D., Albuquerque, New Mexico*

**1. Judicial partnerships are fundamental.**

Courts are constitutionally created institutions which judges are mandated to lead. The same litigant population will visit the courtroom and the dispute resolution office. Beyond being the administrative authority who determines whether and how a court connected ADR program will or will not happen, judges are essential day to day working partners to effectively serve a common public.

**2. Cultivate understanding with persistence, patience, and empathy.**

ADR providers, judges, court staff, the public, and the legal community all live in different worlds. ADR program leaders should assume that others, both the court divisions and the identified population of litigants that the program is serving, may not understand what an ADR process offers and how it works. The same is true for ADR providers regarding needs and interests of the legal system and the target population. Identify players and plan the time for mutual learning.

**3. What does "ADR" mean for you?**

"ADR" may mean anything. Identify core values and their boundaries. Is a process time limited or open ended? How does self-determination by participants intersect with the pressure to close cases through evaluative methods? This on-going assessment is essential for guiding the direction of program development.

**4. Start slow and small, and be open to adjustments.**

Designing a program is a process, not an event. Learn from early cases. Be open to the unexpected. Allow for a "pilot project" period of time to learn what works, what is problematic, what makes a difference and what has been unforeseen.

**5. Keep a "road map."**

Start a never ending list of ideas. Log everything that you think of – the notion may not come again! From time to time, use a copy of the list to review and revise goals, tasks and priorities. Periodically review the list to re-discover great ideas.

**6. Discover the legal and professional context.**

Learn to know the specific laws that apply to your program, as well as the model national standards. This requirement is particularly important for a court connected program. Know the context within which the program will be operating.

**7. Design screening and an option to return cases.**

Design the criteria and process for screening potential cases, and include the option to decline a case which is unamenable for the offered type of ADR. This essential step will clarify for yourself and others the scope and boundaries for the program.

**8. Capture early data and evaluate outcome results.**

One day you may have a sophisticated computer program and evaluation

protocols. At the onset of the program, create even a crude way of tracking cases and outcomes. Early data will be difficult to retrieve later, and early outcome evaluation will provide important insight for how the program is developing. Planning these steps will help clarify program goals and expectations, along with the indicators of whether the program is on track.

**9. Build a program policies and procedures manual as you go.**

Keep archive copies of forms, policies, procedures, and other documents. Design an outline of topics for a program manual. Insert the documents in the outline, and develop documents for unfilled sections. Describe program mission, goals, objectives and processes. Ultimately include enough detail to allow the program to be replicated.

**10. Keep the faith.**

Program development takes time. Avoid being paralyzed by studying the situation to death, but also do not leap blindly over the cliff for immediate success. Be patient, thoughtful and flexible. Plan for set-backs and for unexpected successes. Work hard in the short term to help the long view happen.

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